

AMENDMENTS TO THE CLAIMS

1. (Currently Amended) A method for lateral insertion of an interspinous process implant comprising the steps of:
 - [[a.]] accessing an upper and lower spinous processes laterally;
 - [[b.]] inserting the interspinous process implant between the upper and the lower spinous processes from a first lateral side of the spinous processes; and
 - [[c.]] causing the interspinous process implant inserted by the inserting step to deploy adjacent a second lateral side of at least one of the upper and the lower spinous processes.
2. (Original) The method of claim 1, further comprising a step of distracting the spinous processes apart, where the distracting step and the inserting step are done in any order.
3. (Original) The method of claim 1, further comprising a step of distracting the spinous processes apart, where the distracting step and the inserting step are done simultaneously.
4. (Original) The method of claim 1, where the insertion step causes a wing to be positioned adjacent to the first lateral side of at least one of the spinous processes.
5. (Currently amended) The method of ~~claim 1, where claim 1 wherein~~ the causing step comprises causing a retaining portion of the implant that passed laterally through a sagittal plane defined by the upper and lower spinous processes to extend superiorly or inferiorly generally along a lateral side of causes a wing to be deployed adjacent to the second lateral side of at least one of the upper and lower spinous processes.
6. (Original) The method of claim 1, where the insertion step causes a first wing to be positioned adjacent to the first lateral side of at least one of the spinous processes and the causing step causes a second wing to be deployed adjacent to at least one of the second lateral sides of the spinous processes.

7. (Currently amended) A method for lateral insertion of an interspinous process implant comprising the steps of:

[[a.]] accessing adjacent the spinous processes laterally;

[[b.]] inserting the interspinous process implant between the spinous processes from a first lateral side of the spinous processes;

[[c.]] urging the interspinous process implant through a sagittal plane defined by the spinous processes so that a portion thereof is disposed on to the second lateral side of the spinous processes; and

[[d.]] causing the interspinous process implant inserted by the inserting step to deploy so that a member of the interspinous process implant that was urged through the sagittal plane projects outwardly and superiorly or inferiorly from a body of the interspinous process implant adjacent a second lateral side of at least one of the spinous processes.

8. (Currently amended) A method for lateral insertion of an interspinous process implant comprising the steps of:

[[a.]] accessing the spinous processes laterally;

[[b.]] inserting the interspinous process implant between the spinous processes from a first lateral side of the spinous processes; and

[[c.]] positioning the interspinous process implant inserted in the inserting step, where the interspinous process implant extends from a second lateral side.

9. (Original) The method of claim 8, further comprising a step of distracting the spinous processes apart, where the distracting step and the inserting step are done in any order.

10. (Original) The method of claim 8, further comprising a step of distracting the spinous processes apart, where the distracting step and the inserting step are done simultaneously.

11. (Original) The method of claim 8, where the insertion step places an interspinous process implant member adjacent to the first lateral side of at least one of the spinous processes.
12. (Original) The method of claim 11, where the interspinous process implant member is selected from a wing, an arm, a leg, and a hook.
13. (Original) The method of claim 8, where the positioning step places an interspinous process implant member adjacent to the second lateral side of at least one of the spinous processes.
14. (Original) The method of claim 13, where the interspinous process implant member is selected from a wing, an arm, a leg, and a hook.
15. (Currently amended) A method for the lateral insertion of an interspinous process interspinous process implant, where the steps of inserting the interspinous process implant comprise:
 - [[a.]] accessing the spinous processes laterally;
 - [[b.]] inserting the interspinous process implant laterally between the spinous processes, said interspinous process implant comprising a body having a deployable interspinous process implant member; and
 - passing the implant member laterally through a sagittal plane defined by the spinous processes;
 - [[c.]] deploying the implant member, where the implant member extends from a second lateral side of the spinous processes;
 - wherein the deploying comprises changing a relative orientation between the implant member and the body.
16. (Original) The method of claim 15, further comprising a step of distracting the spinous processes apart, where the distracting step and the inserting step are done in any order.

17. (Original) The method of claim 15, further comprising a step of distracting the spinous processes apart, where the distracting step and the inserting step are done simultaneously.
18. (Original) The method of claim 15, where the insertion step places an interspinous process implant member adjacent to the first lateral side of at least one of the spinous processes.
19. (Original) The method of claim 18, where the interspinous process implant member is selected from a wing, an arm, a leg, and a hook.
20. (Currently amended) The method of claim 15, where the deploying step places ~~an interspinous process~~ the implant member adjacent to the second lateral side of at least one of the spinous processes.
21. (Currently amended) The method of claim 20, where the ~~interspinous process~~ implant member is selected from a wing, an arm, a leg, and a hook.
22. (Original) The method of claim 15, where the step of inserting further comprises using at least one tool for lateral insertion of the interspinous process implant.
23. (Currently amended) A method for the lateral insertion of an interspinous process implant, where the steps of inserting the interspinous process implant comprise:
 - [[a.]] accessing the spinous processes laterally; and
 - [[b.]] inserting the interspinous process implant laterally between said spinous processes, said interspinous process implant comprising:
 - [[i.]] a body adapted to be placed between spinous processes, where the body has a proximal end and a distal end; and
 - [[ii.]] a distraction guide extending from the distal end of the body; ~~the distraction guide expanding in a direction toward the proximal end of the body;~~

wherein the inserting comprises passing the distraction guide laterally through a sagittal plane defined by the spinous processes.

24. (Original) The method of claim 23, further comprising a step of distracting the spinous processes apart, where the distracting step and the inserting step are done in any order.
25. (Original) The method of claim 23, further comprising a step of distracting the spinous processes apart, where the distracting step and the inserting step are done simultaneously.
26. (Original) The method of claim 23, where the step of inserting further comprises using at least one tool for lateral insertion of the interspinous process implant.
27. (Original) The method of claim 23, where the interspinous process implant further comprises at least one wing.
28. (Currently amended) The method of claim 23 ~~A method for the lateral insertion of an interspinous process implant, where the steps of inserting the interspinous process implant comprise:~~
 - a. ~~accessing the spinous processes laterally; and~~
 - b. ~~inserting the interspinous process implant laterally between said spinous processes, said interspinous process implant comprising:~~
 - i. ~~a central body with a distal end and a proximal end, said central body having a longitudinal axis;~~
 - ii. ~~a sleeve associated with the central body, where the sleeve is adapted to be placed between spinous processes; and~~
 - iii. ~~a distraction guide extending from the distal end of the central body~~

wherein the body comprises a longitudinal axis extending from the proximal end to the distal end;

wherein the implant further comprises a sleeve associated with the body and disposed about the longitudinal axis; the sleeve adapted to be placed between spinous processes;

wherein said inserting further comprises laterally inserting the sleeve between the spinous process.

29-32. (Canceled)

33. (Currently amended) ~~The method of claim 23 A method for the lateral insertion of an interspinous process implant, where the steps of inserting the interspinous process implant comprise: wherein the implant further comprises a wing located at the proximal end of the central body.~~

- ~~a. accessing the spinous processes laterally; and~~
- ~~b. inserting the interspinous process implant laterally between said spinous processes, said interspinous process implant comprising:~~
 - ~~i. a central body with a distal end and a proximal end, said central body having a longitudinal axis;~~
 - ~~ii. a wing located at the proximal end of the central body;~~
 - ~~iii. a sleeve associated with the central body, where the sleeve is adapted to be placed between spinous processes; and~~
 - ~~iv. a distraction guide extending from the distal end of the central body.~~

34.-36. (Canceled)

37. (Original) The method of claim 33, where the interspinous process implant further comprises a second wing located near the distal end of the central body.

38. (Currently amended) A method for the lateral insertion of an interspinous process implant, where the steps of inserting the interspinous process implant comprise:

- ~~[[a.]] accessing the spinous processes laterally; and~~
- ~~[[b.]] inserting the interspinous process implant laterally between said spinous processes, said interspinous process implant comprising:~~
 - ~~[[i.]] a body adapted to be placed between spinous processes, the body having a proximal end defining a first saddle, and a distal end defining a second saddle; and~~
 - ~~[[ii.]] the first saddle and the second saddle are adapted to receive adjacent spinous processes.~~

39. (Original) The method of claim 38, further comprising a step of distracting the spinous processes apart, where the distracting step and the inserting step are done in any order.
40. (Original) The method of claim 38, further comprising a step of distracting the spinous processes apart, where the distracting step and the inserting step are done simultaneously.
41. (Original) The method of claim 38, where after the insertion step the method further comprises a step of positioning the interspinous process implant between the spinous processes .
42. (Original) The method of claim 38, where the interspinous process implant further comprises positioning means, where the positioning means retain the interspinous process implant between the spinous processes to limit extension and allow flexion.
43. (Original) The method of claim 42, where the positioning means is a tether.
44. (Original) The method of claim 42, where the positioning means is a pin.
45. (Original) The method of claim 42, where the positioning means is at least one arm extending from the proximal end and distal end of the interspinous process implant.
46. (Original) The method of claim 45, where the positioning means further comprises a tether.
47. (Original) The method of claim 38, where the step of inserting further comprises using at least one tool for lateral insertion of the interspinous process implant.
48. (Previously Presented) The method of claim 1, wherein during insertion, the interspinous process implant has a small profile insertion configuration, and causing the implant to deploy causes the implant to assume an expanded

projected configuration with at least one member of the implant projecting outwardly from a body of the implant and adjacent the second side of at least one of the upper and lower spinous processes so as to help maintain a position of the implant between the upper and lower spinous processes.

49. (Previously Presented) The method of claim 1, wherein the deployed interspinous process implant contacts at least one of the upper and the lower spinous process.
50. (Previously Presented) The method of claim 49, wherein the deployed interspinous process implant contacts a lateral side of at least one of the upper and the lower spinous processes.
51. (New) The method of claim 38 wherein the step of inserting comprises passing at least a portion of the first saddle through a sagittal plane defined by the spinous processes.
52. (New) The method of claim 51 wherein the step of inserting further comprises rotating the implant relative to the spinous processes to engage the first saddle with a corresponding one of the spinous process.